REMARKS

Claims 1, 2, 4-6, 8-17 and 19-21 are all of the pending claims, with claims 1 and 16 being written in independent form. By virtue of this Amendment, Applicant cancels claim 7 without prejudice of disclaimer.

I. Claim Objection:

The Examiner objects to claim 7 for failing to further limit the claims from which it depends. As a path of least resistance, Applicant cancels claim 7 to address the Examiner's concerns.

II. Claim Rejections On Prior Art Grounds:

The Examiner rejects claims 1, 2, 6, 7, 14-17 and 21 under 35 U.S.C. § 103(a) as being obvious over US Patent Application Publication No. US 2004/0078219 to Kaylor et al. ("Kaylor"); and claims 4, 5, 8-13, 19 and 20 under 35 U.S.C. § 103(a) as being obvious over Kaylor in view of US Patent Application Publication No. 2004/0092843 to Kreiser et al. ("Kreiser"), and further in view of US Patent Application Publication No. 2003/0009113 to Olson ("Olson"). Applicant respectfully traverses these rejections in view of the following remarks.

A. Independent Claim 1:

Independent claim 1 recites (among other things) a data evaluation device "*integrated into the holding device*," and a display device "*arranged on the holding device*." An example, non-limiting embodiment of these features is depicted in Fig. 1. Here, the holding device is a glove 2. The data module 7 (or "*data evaluation device*") may be integrated into the glove 2. (Spec., [0020]). Also, a display module 8 (or "*display device*") may be arranged on the glove 2. (Spec., [0023]) . At least these features (as recited in independent claim 1), in combination with the other features recited in independent claim 1, are not taught or suggested by the prior art relied upon by the Examiner.

The Examiner looks to Kaylor to teach all of the features of independent claim 1, except for the display device being arranged on the holding device, and therefore looks to the secondary reference to Kreiser to allegedly teach this feature. Applicant respectfully disagrees.

The Kaylor Reference

The Examiner's reliance upon the Kaylor reference is misplaced. This is because, as noted in the November 4, 2004 Amendment, Kaylor does not teach or suggest a data evaluation device integrated into the holding device. Instead, Kaylor's straightforward disclosure indicates that the biosensor 20 (which may include microneedle devices, and which may be mounted on an article of clothing such as a glove) interacts with a subject to yield an analyte measurement. The analyte measurement, however, is conveyed via a biosensor signal 40 to a personal data control means 24. (Kaylor, [0060]). The personal data control means 24 may include a computer or microprocessor, software for acquisition and interpretation of biosensor data, data acquisition means, a display system such as a monitor, user input means and a programmable portable data acquisition and display device such as a personal digital assistant. (Id.). Certainly then, the biosensor 20 is a separate and distinct element from the personal data control means 24 (which is the element performing data evaluation); i.e., and with reference to Fig. 1, the biosensor 20 and the personal data control means 24 are remotely located with respect to each other. Accordingly, Kaylor does not teach or suggest a data evaluation device integrated into the holding device, as recited in claim 1.

The Kreiser Reference

Turning to the next point, the Examiner's reliance upon the secondary reference to Kreiser is misplaced. This is because, as pointed out in the November 4, 2004 Amendment, Kreiser's pH meter 132 (compared by the Examiner to the claimed display device) is not "*arranged on*" the glove 102. Instead, as clearly shown in Fig. 1 of Kreiser, the surgical glove 102 is spaced apart from the pH meter 132. In this regard, Applicant recognizes that the pH meter 132 and the surgical glove 102 are electrically interconnected via electrode leads 130. Notwithstanding, claim 1 requires more. In particular, the term "*arranged on*" refers to a deliberate structural arrangement among the elements in which one element is positioned in contact with and supported by the surface of the other element. In this regard, one element holds

the other element in position. In Kreiser, however, the glove 102 does not (and necessarily cannot) hold or support the pH meter 132 in position. Instead, the pH meter 132 may move freely relative to the glove 102.

The Response to Arguments Section of the Office Action

Not persuaded, in the Response to Arguments section of the Office Action, the Examiner counters that Kreiser's pH meter is not illustrated as being arranged on the glove. Applicant wholeheartedly agrees.

The Examiner also points out that Kreiser does not teach that the pH meter 132 is a separate device from the device 100. Applicant disagrees. For example, and with reference to Fig. 1, reference numeral "100" is placed next to the pH meter 132, with the arrow from reference numeral "100" being directed down toward the guide tubes that are mounted on the glove 102. The pH meter 132 is connected to the guide tubes via electrode leads 130. Based on Fig. 1, a person of ordinary skill in the art would consider the pH meter as a separate and distinct element from the hand-mounted device 100, notwithstanding the interconnection via the electrode leads 130. Furthermore, the pH meter 132 is clearly separated from the glove 102 and not "*arranged on*" the glove, as stated in claim 1. The Examiner expressly recognizes as much.

Further bolstering Applicant's position is the fact that the remaining figures of the Kreiser reference do not depict the pH meter 132 (or display device). Instead, and with reference to Figs. 5-7, for example, the measuring device 100 refers to the various elements that perform a measuring function, but not evaluation and display functions. The fact that Kreiser's display device is not arranged on the holding device is also supported by paragraph [0018], which describes the device illustrated in Fig. 3, wherein the pH meter 132 is not even shown.

Simply put, Kreiser does not provide any indication that the pH meter 132 is part of the hand-mounted device 100 or that the pH meter 132 is "*arranged on*" the glove 102. The Examiner's assertions to the contrary are tenable only by placing a strained interpretation on the reference.

B. Independent Claim 16:

Independent claim 16 recites (among other things) means for evaluating the recorded data, wherein said means for evaluating is integrated into the glove. Accordingly, claim 16 is

believed to be patentable for reasons similar to those noted above with respect to independent claim 1.

CONCLUSION

In view of the above, reconsideration of the objections and rejections and allowance of each of claims 1, 2, 4-6, 8-17 and 19-21 is earnestly solicited.

If any matters need to be resolved in the present application, the Examiner is respectfully requested to contact Ray Heflin at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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